

IN THE

Court of Appeal of the State of California

IN AND FOR THE

Fifth Appellate District

COURTROOM PROCEEDINGS

The court met in its courtroom at 1:30 P.M. Present: Honorable James A. Ardaiz, Presiding Justice; Honorable Nickolas J. Dibiaso, Associate Justice; Honorable Rebecca A. Wiseman, Associate Justice; and Kay Frauenholtz, Clerk/Administrator, by Robert Abilez, Senior Deputy Clerk.

F043000 People v. Thomas

Cause called and argued by Cynthia A. Thomas, Esq., counsel for appellant and by Kathleen A. McKenna, Esq., Deputy Attorney General, counsel for respondent.

Cause ordered submitted.

At this point Ardaiz, P.J. directs Dibiaso, Acting P.J. to act as Presiding Justice in his absence, leaves the bench and is replaced by Buckley, J.

F044244 Scottsdale Indemnity Co. v. Arnold

Cause called and argued by Gary J. Spain, Esq., counsel for appellant and by Todd B. Barsotti, Esq., counsel for respondent.

Cause ordered submitted.

Court recessed until Monday, November 15, 2004 at 1:45 P.M.

F045762 In re Aaron M. et al., Minors

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

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F045762 In re Aaron M. et al., Minors

The orders terminating parental rights are affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F046211 People v. Nunez

IT IS HEREBY ORDERED that the appeal in the above-entitled action is dismissed as having been taken from a non-appealable order.

F044788 People v Young

The above-entitled case is submitted for decision.

F044788 People v. Young

The judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F044538 People v. Kolb

Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the calendar date heretofore set is vacated and the case is submitted for decision.

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F044538 People v. Kolb

The \$200 section 1202.45 parole revocation restitution fine is stricken from the judgment. The matter is remanded to the superior court with directions to issue an abstract of judgment so amended and to forward certified copies to the appropriate persons. Otherwise the judgment is affirmed. Kolb has no right to be present at proceedings on remand that only modify the judgment or amend the abstract of judgment. (See *People v. Price* (1991) 1 Cal.4th 324, 407-408) Gomes, J.

We concur: Harris, Acting P.J.; Dawson, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F045222 In re Adrian C., a Minor

Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the calendar date heretofore set is vacated and the case is submitted for decision.

F045709 People v. Flowers

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

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F045709 People v. Flowers

The matter is remanded to the superior court with directions to issue an amended abstract of judgment correctly characterizing Flower's conviction of a violation of Health and Safety Code section 11350 as "possession" and to send certified copies of the amended abstract of judgment to the appropriate persons. Otherwise, the judgment is affirmed. Flowers has no right to be present at proceedings on remand that only amend the abstract of judgment. (See *People v. Price* (1991) 1 Cal.4th 324, 407-408.)

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F044201 People v. Hernandez

Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the calendar date heretofore set is vacated and the case is submitted for decision.

F044031 People v. Dickey

Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the calendar date heretofore set is vacated and the case is submitted for decision.